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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,999

03/24/2004

Mark H. Falahee

FLH-11702/29

4663

25006

7590

09/08/2009

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C

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TROY, MI 48007-7021

EXAMINER

PHILOGENE, PEDRO

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

09/08/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MARK H. FALAHEE

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Application No. 10/807,999  
Technology Center 3700

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Mailed: September 8, 2009

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Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on August 11, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REPLY BRIEF

Appellants filed a Reply Brief dated August 11, 2009. There is no indication on the record that the Examiner has considered the above Reply Brief.

CONCLUSION

Accordingly, it is  
ORDERED that the application is returned to the Examiner to:

- 1) consider and acknowledge the Reply Brief filed August 11, 2009;  
and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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